

JUL 06 2007

Serial No. 10/608,777
Art Unit 2176REMARKS

Claims 1 through 4, 6, 7, 15, 16 and 22 remain presented for consideration upon entry of the instant amendment. Claims 8 through 14, 17, 19 through 21 and 23 having been newly cancelled with applicant preserving its right to file a continuation directed to these claims.

Applicant acknowledges with appreciation the courtesies extended by the Examiner Bashore during the telephone with the undersigned attorney.

Claims 1 through 4, 6 through 17, 19 and 21 through 23 have been rejected under 35 U.S.C. §112, second paragraph, based on, as acknowledged in the Action, the limitation "to create a story", while claims 21 through 23 have been rejected under the same statute for the use of the term "young child".

Specifically, the Action states the term "story" is not expressly defined and as used in the claims, may "vary in definition from a story in the mind of the user to a story written out so that it may be read by anyone".

As stated during the interview, such a position ignores the clear meaning of "story" as defined in a dictionary, such as Webster's New World College Dictionary. Moreover, the interpretation set forth in the Action ignores the precise, complete language of the claims, namely "to create a story by the user into the customized book". As further pointed out during the interview, people of ordinary skill in the art, understand what "to create a story" means for a young user. That is part of the reason for the submission of the Declarations since each of the declarants are people of ordinary skill in the art of this invention. Also the Public

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Broadcasting Service provides a definition of story as set forth in the Attachment 1.

Also, the term "young child" as used in claims 21 through 23, the Action states, is not expressly defined and may vary in definition from one age to another. First, this exact term "young child" is on page 5, line 7 of the application. Second, its meaning is clearly and unambiguously known to one of ordinary skill in the art. As discussed during the interview, the National Association for the Education of Young Children defines such children as ages from birth to age 8. A copy of a page from this organizations website is enclosed and marked as Attachment 2.

Therefore, in view of the foregoing, reconsideration and withdrawal of the 112 second paragraph rejection are respectfully requested.

Claims 1, 2, 5 though 12, 15 through 17, 19, and 21 have been rejected under 35 U.S.C. §103(a) based on Rifkin in view of Engel.

The rejection of claims 5, 8 through 14, 17, 19 and 21 are now rendered moot by the cancellation of these claims.

Claim 1 provides a method of self-publishing a customized book by a young child. The method comprises
providing a board book having a plurality of blank pages, wherein the plurality of pages are of a rigid and durable paper;
determining creative content for inclusion in said board book, wherein said creative content can be any content, size, color or any combinations thereof determined by the

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young child;

disposing at the discretion of the user at least a portion of said creative content on an adhesive label, and affixing said adhesive label to at least a portion of a page of said plurality of pages of said board book in any format and/or arrangement desired by the young child.

Claim 1 further provides that said creative content can be any content, size, color or any combinations thereof. Also, the at least a portion of said creative content disposed on said adhesive label is fully customizable determined by the young child. The steps of obtaining, determining, and affixing are performed under the direct control of the user so that said board book is customized in creative content and format and/or arrangement to create a personalized and customized story by the user into the customized book.

Rifkin is directed to toy vehicle playsets in which desired printed stickers can be applied to a selected toy vehicle that has a particular selected design.

Rifkin, as acknowledged in the Office Action, does not disclose that is known to place such stickers in a book (page 6). As also acknowledged, Rifkin does not disclose or suggest (1) providing a board book having a plurality of blank pages, let alone wherein the plurality of pages are of a rigid and durable paper; (2) determining creative content for inclusion in said board book determined by the young child; or (3) affixing said adhesive label to at least a portion of a page of said plurality of pages of said board book in any format and/or arrangement desired by the young child. Furthermore, claim 1 provides that the steps of obtaining, determining, and affixing are performed under the direct control of the user so that said

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board book is customized in creative content and format and/or arrangement to create a personalized and customized story by the user into the customized book.

For the element (1) providing a board book having a plurality of blank pages, the Action is silent as to Rifkin. For the element (2) determining creative content for inclusion in said board book, Rifkin never discloses "determining" creative content for inclusion in "said board book" that is customized by the user. For the element (3) affixing said adhesive label to at least a portion of a page of said plurality of pages of said board book in any format and/or arrangement desired by the use, the Action fails to mention Rifkin at all. Claim 1 further provides that the steps of obtaining, determining, and affixing are performed under the direct control of the user. The Action fails to address this element at all.

Engel is directed to an album having a specific theme, a package of individual stickers and a decoder that allows a child to sneak peek at stickers that the child has not yet collected.

Referring to claim 1, for the element (1) providing a board book having a plurality of blank pages, the Action is silent as to Engel, (as it was to Rifkin). For the element (2) determining creative content for inclusion in said board book, Engel does not have this element, as well. As stated above, claim 1 further provides that the steps of obtaining, determining, and affixing are performed under the direct control of the user so that said board book is customized in creative content and format and/or arrangement to create a personalized and customized story by the user into the customized book. This element is the crux of the present invention. Rifkin or Engel alone and in combination fail to disclose or suggest these

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elements..

Concerning the Declarations of Carol Bell and Anne Lindsay Fetter, PhD., Carol Bell coordinates two early childhood technology projects that assist children in strengthening development skills. Dr. Fetter is a PhD in Developmental and Educational Psychology. She clearly states that she has not "experienced such a book and method that has such a significant benefit to children, especially children that cannot communicate verbally" (paragraph 4). Also, as Dr. Fetter further states in paragraph 4: "I have seen or tested virtually every high-tech and low-tech literary product that has been developed in the last 20 years and there is nothing on the market or in development that I know of that has the benefits of Blank Slate TM Books". Clearly, these experts in the field are people of ordinary skill in the art that appreciate the inventiveness of the claimed present invention.

Sales of the applicant, a private individual, have grown with virtually no advertising. Specifically, 2004 saw sales of 432 books. There were 4,768 sales during the year 2005 while during 2006, there were 5,880 sales. It is projected that sales for 2007 will be 7,040.

Applicant filed an RCE in order to have the Declarations of Carol Bell and Anne Lindsay Fetter considered, and thus, respectfully requests withdrawal of the finality of the present action. Thus, should this application not pass to allowance, it is respectfully requested that this application be issued a new action.

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Claims 2, 6, 7, 15, 16 and 21 depend from claim 1. Therefore, for the same reasons expressed above with respect to claim 1, these claims are also patentable over the cited combination of Rifkin and Engel.

Accordingly, reconsideration and withdrawal of the Section 103 rejection of claims 1, 2, 6, 7, 15, 16 and 21 are respectfully requested.

Claims 3, 4, 13, 14 and 22 have been rejected based on the combination of Rifkin and Engel and further in view of Smith.

Discussed above is the shortcomings of the combination of Rifkin and Engel with respect to independent claim 1.

Smith is a publication titled Reproducible Mini Books for Emergent Readers. It is an inexpensive reproducible blackline books to extend classroom materials for emergent readers. In short, pictures and text are enlarged, colored and then glued to construction paper or ordinary copy paper which is not rigid, durable or bound and laminated to make a big book for shared reading.

Clearly, Smith fails to disclose or suggest the steps of obtaining, determining, and affixing are performed under the direct control of the young child so that said board book is customized in creative content and format and/or arrangement to create a personalized and customized story by the young child into the customized book of claim 1.

Therefore, claims 3, 4, 13, 14 and 22 are patentable over the combination of Rifkin, Engel and Smith. Thus, reconsideration and withdrawal of the rejection of these claims are requested.

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Again, the present claimed invention has achieved success in local area schools in that a user, such as a young child, is permitted to create his/her own story in a personalized/customized book using the techniques covered by the claims of the present invention. As the Declarations state, the claimed invention was never known before and is not obvious to such persons skilled in the art, contrary to the unsupported assertions made in the Action.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

July 6, 2007



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The Public Broadcasting Service says:

"Young children learn that stories have a clear structure and specific elements. As your young child listens to stories, he learns that all good stories have a beginning, middle, and end. He also learns to predict, based on the book cover, what the story will be about, as well as what might happen next or how the story will end. Young children learn that there are characters in stories and that the setting (where and when it takes place) is something that a listener would want to know. Your child will enjoy comparing the characters in a book to himself and to other real life people he knows."

http://www.pbs.org/parents/readinglanguage/preschooler/reading_milestone_preschooler.html

ATTACHMENT 1



National Association for the Education of Young Children

[NAEYC Home](#) > [About NAEYC](#)

About NAEYC

The National Association for the Education of Young Children (NAEYC) is dedicated to improving the well-being of all young children, with particular focus on the quality of educational and developmental services for all children from birth through age 8. NAEYC is committed to becoming an increasingly high performing and inclusive organization.

Founded in 1926, NAEYC is the world's largest organization working on behalf of young children with nearly 100,000 members, a national network of over 300 local, state, and regional Affiliates, and a growing global alliance of like-minded organizations.

Membership is open to all individuals who share a desire to serve and act on behalf of the needs and rights of all young children.

Who We Are:

- [Governing Board](#)
- [History of NAEYC](#)
- [Affiliates](#)
- [Global Alliance](#)
- [Staff Directory](#)

What We Do:

- [Mission, Philosophy, and Goals](#)
- [Overview of Current Programs](#)
- [Week of the Young Child April 22-28, 2007](#)
- [NAEYC Annual Report: September 1, 2004—August 31, 2005](#)
- [Using Research on Early Childhood Development and Education](#)

Where We Stand:

- [Position Statements](#)

For the Media:

- [Press Releases](#)
- [NAEYC in the News](#)
- [Media Contacts](#)

NAEYC Opportunities:

- [Employment Opportunities](#)
- [NAEYC Leadership Opportunities](#)
- [Reaching NAEYC Audiences](#)

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ATTACHMENT 2